

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	
	:	Bankruptcy No. 08-70341 JKF
MAXINE E. LEHMAN,	:	
	:	
Debtor.	:	
	:	Chapter 13
MAXINE E. LEHMAN,	:	
	:	
Movant,	:	
	:	
vs.	:	
	:	
NO RESPONDENT,	:	
	:	Related to Doc. No. 73
Respondent.	:	

ORDER DENYING MOTION

The Debtor filed a *Motion to Reopen Case for the Release of Unclaimed Funds from Court Registry, "(Motion)", at Doc. No. 73,*

Generally, funds deposited for the benefit of a creditor cannot be refunded to any other party because such funds are presumed to be property of and owned by the specific creditor until shown otherwise. Although 28 U.S.C. §2042 allows for distribution of funds held by the Court to a claimant entitled to such money on petition to the Court, notice must first be given to the United States Attorney and *full proof of the right thereto* shown in the *Motion*. Here, such a *Motion* has not been filed by the owner(s) of the funds and the *Motion* fails to contain documentary proof of entitlement to the affected creditors.

The *Motion* also fails to comply with this Court's Local Rules and Forms regarding pleading captions, specifically, *W.PA.LBR 9004-1*, as Motion to Reopen fails to name the affected creditors; therefore,

AND NOW, this **19th** day of **March, 2012**, upon consideration of the *Motion* (filed at Document Number 73), and for the above reasons, it is hereby **ORDERED** that the *Motion* is **DENIED**, without prejudice. The Clerk shall immediately refund the reopening fee paid at Receipt No. 8545026, in the amount of \$235.


 Judith K. Fitzgerald cgt
 U.S. Bankruptcy Judge